

EIGHTH DAY

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 18, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,

On motion of Senator Whitaker the reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Lewis:

Memorial from Alamo Monumental Association.

Read first time and referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Senator Cranford, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, TEXAS, Jan. 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 7, entitled "An act to authorize minors to bring suits by next friend and to provide for the disposition of funds that may be recovered in such suits, and to define the duties of said next friend,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the accompanying committee amendments.

All of which is respectfully submitted.

CRANFORD, Chairman.

COMMITTEE AMENDMENTS.

1. Amend section 1, line 21, by striking out the words "he shall not be relieved from giving security for costs."

2. Amend section 3, by striking out all of said section after the word "conditioned," in line 31, page 2, and inserting the following: "That he will pay over said money and lawful interest thereon, and deliver said property and its increase to the minor when he becomes of age, or to his legally qualified guardian, when demanded, and that he will pay or deliver the same to such person appointed by the court when ordered by the court to do so, and that he will use such money or property for the benefit

of the minor as ordered by the court."

3. Amend section 4, by striking out all after the word "receive," in line 16, page 3, down to and including the word "charge," in line 17, and insert in lieu thereof the following:

"Such compensation for eating for or handling the same as may be allowed by the court."

COMMITTEE ROOM,
AUSTIN, TEXAS, Jan. 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, entitled "An act to amend section 14 of an act to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters, to fix the rate of occupation tax upon all persons, firms, or association of persons engaged in the sale of spirituous, vinous, or malt liquors or medicated bitters; to define the manner and time of collecting such tax, and to fix penalties for failure to pay the same, and to repeal all laws in conflict with the provisions of this act, approved March 11, 1881, approved April 4, 1881, and to amend an act to regulate the sale of spirituous, vinous and malt liquors and medicated bitters; to fix the rate of occupation tax upon all persons, firms, or association of persons engaged in the sale of spirituous, vinous, or malt liquors or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failing to pay the same, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am requested to report it back to the Senate, with the recommendation that it do pass with the accompanying amendments.

All of which is respectfully submitted.

CRANFORD, Chairman.

COMMITTEE AMENDMENTS.

1. Amend section 1, line 5 on page 2 by inserting after the word "persons" the following: "or their employees."

2. Amend section 1, line 25 on page 2 by inserting after the words "Jenny Lind" the word "pool."

3. Amend section 1, line 1 on page 3 by striking out the word "knowingly."

4. Amend by striking out the word "knowingly" in lines 10, 11 and 18 on page 2, and add at the conclusion of section 1, after the word "pictures" in line 25, page 4, the following: "provided, however, that if such person,

firm or association of persons or their employes act in good faith in the giving or selling of spiritous, vinous or malt liquors or medicated bitters capable of producing intoxication to a person under the age of 21 years and under a reasonable and well founded belief that the said minor was of legal age, or if such person shall in good faith permit any minor to enter or remain in his place of business under a reasonable and well founded belief that said minor was of legal age, such fact shall constitute and be a defence in any suit seeking a recovery on the said bond.

5. Amend by striking out all of section 2.

BILLS AND RESOLUTIONS.

By Senator Dean:

A bill to be entitled "An act to amend section 7, chapter 100, of the Twenty first Legislature approved March 29, 1889, entitled an act to promote the development of the mining resources of Texas."

Read first time and referred to Committee on Mines and Mining.

By Senator Dickson, by request:

"An act providing for the appointment of an official stenographer for each judicial district, defining his duties and fixing salaries for same."

Read first time and referred to Committee on Judicial Districts.

By Senator Browning:

"An act to amend article 837, title 10, of the Code of Criminal Procedure of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Crowley:

A bill to be entitled "An act to create a Bureau of Labor and Labor Statistics for the State of Texas, to properly designate said department and its head and to prescribe the duties belonging and appertaining thereto"

Read first time and referred to Committee on Labor.

By Senator Smith:

A bill to be entitled "An act to amend article 1139, title 28, chapter 1, of the Revised Civil Statutes of the State of Texas, and to add thereto another article to be known as article 1239 1-2."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lewis:

A bill to be entitled "An act to amend sections 2 and 3 of article 2861 of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Cranford:

A bill to be entitled "An act to provide for the better assessment of personal or movable property in the State of Texas, liable or subject to taxation under the laws of the State."

Read first time and referred to Judiciary Committee No. 1.

RESOLUTIONS.

By Senator Bowser:

A joint resolution to amend article 8 of the Constitution of the State of Texas, by adding to said article an additional section, to be numbered section 19.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Pressler:

Senate concurrent resolution memorializing Congress to establish a National harbor of refuge at the Atlantic entrance to the Straits of Florida:

Read and laid on the table subject to call.

By Senator Jester:

The following concurrent resolution:

Whereas, The government of the United States is founded upon the virtue, the intelligence and patriotism of its people, and with us the supreme power is the people, and the will of the majority constitutes this government; that, in order to perpetuate this government no person should be invited to this country, or be permitted to come, who are not in sympathy with our institutions; therefore be it

Resolved, That our United States Senators and Representatives in Congress be requested to introduce a bill in Congress prohibiting all persons convicted of crime, or those known as "Anarchists, Communists or Socialists," from landing on our shores.

On motion of Senator Agnew the resolution was laid on the table subject to call by the following vote:

YEAS—18.

Agnew,	Jester,
Atlee,	Lawhon,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Greer,	Tips,
Hutchinson,	Woods.

NAYS—12.

Baldwin,	Kearby,
Cranford,	Lewis,
Crowley,	Pressler,
Dean,	Simpson,
Goss,	Whitaker,
Imboden,	Yoakum.

EXCUSED—1.

Shelburne.

Senator Lewis offered the following resolution:

Resolved, That the sergeant-at-arms of the Senate be and he is hereby instructed to purchase one copy of Sayles' Annotated Civil Statutes of the State of Texas, for the use of Judiciary Committee No. 1, and one copy of Wilson's Annotated Criminal Statutes of Texas for the use of Judiciary Committee No. 2.

That said volumes be paid for out of the contingent fund of the present Senate.

Adopted.

By Senator Dean:

Resolved, That a copy of Sayles' Civil Statutes be furnished each Senator, and that the same be paid for out of the contingent fund of the Senate.

Senator Steele asked for information as to cost of same.

Senators Jester and Steele opposed on economic grounds.

Senator Yoakum moved to amend by striking out "Sayles' Annotated Statutes" and insert "Revised Civil Statutes."

Senator Goss offered the following substitute for the amendment:

Substitute by inserting sixteen copies of Sayles' Annotated Civil Statutes instead of one copy for each Senator.

Senator Hutchinson opposed the substitute.

Senators Lewis and McComb favored it.

Senator Steele offered to amend the substitute by striking out "sixteen" and inserting "eight."

Lost by the following vote:

YEAS—15.

Agnew,	Smith,
Ailee,	Steele,
Browning,	Swayne,
Cranford,	Tips,
Crowley,	Whiaker,
Dickson,	Woods,
Douglass,	Yoakum.
McKinney,	

NAYS—16.

Baldwin,	Jester,
Boren,	Kearby,
Bowser,	Lawhon,
Dern,	Lewis,
Goss,	McComb,
Greer,	Pressler,
Hutchinson,	Simpson,
Imboden,	Mr. President.

Senator Imboden offered the following substitute for the resolution and amendment of Senator Goss:

Resolved, That the sergeant-at-arms of the Senate be directed to purchase for the use of the Senate sixteen copies of Sayles' Civil Statutes, to be placed on the desks of the Senators who drew the long terms, and fifteen copies of Willson's Criminal Statutes, to be placed on the desks of the Senators who drew the short terms, the same to be paid for out of the contingent fund of the Senate.

Lost.

The vote then recurred on the amendment of Senator Goss.

Adopted.

The resolution as amended was adopted.

BILLS ON SECOND READING.

Senate bill No. 14, entitled "An act to amend articles 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3239a, 3239b, 3239c, title 63 of the Revised Civil Statutes of Texas."

Committee report was read, and on motion of Senator Steele the consideration of said bill was postponed and made special order for Friday, January 20, 11 o'clock a. m.

Senate bill No. 18, entitled "An act to amend title 17, chapter 6, of the Penal Code of the State of Texas, by adding thereto chapter 6a."

On motion of Senator Lewis consideration of same was postponed and made special order for Thursday after morning call.

Senator Imboden called up Senate concurrent resolution No. 1, relating to the Hatch anti-option bill, and moved to postpone its consideration indefinitely.

Senators Steele and Kearby opposed indefinite postponement, and Senator Kearby moved to substitute by setting next Monday after morning call for its consideration.

Senator Imboden accepted substitute and same was adopted.

PRIVILEGED REPORT.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 9, being "An act to amend article 1272, title 29, chapter 9 of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

PRESSLER, Chairman.

BILLS ON THIRD READING.

The President laid before the Senate Senate bill No. 9, for final consideration.

Bill read third time.
Senator Smith offered to amend as follows;

Amend by striking out the word "affidavit," in line 11, and insert in lieu thereof the word "application."

Adopted by the following vote:

YEAS—30.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

EXCUSED—1.

Shelburne.

Bill passed as amended.

The President announced the appointment of Senator Shelburne on Committee on Towns and City Corporations, and Senator Tips was placed on Committee on Penitentiaries.

On motion of Senator Kearby the Senate adjourned until 10 o'clock Thursday morning.

NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 19, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,
On motion of Senator Douglass, the reading of the same was suspended.

REPORTS OF STANDING COMMITTEES.

Senator Cranford, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 27, entitled "An act to diminish the jurisdiction of the county court of Webb county, and to conform the jurisdiction of the district court of Webb county to such change,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1 to whom was referred

Senate bill No. 28, entitled "An act to amend articles 2447, 2452 and 2453, of title 45, of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 21, entitled "An act to be entitled an act to amend article 1363 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 17, entitled "An act to amend article 1816 of the Revised Civil Statutes of the State of Texas,"